

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

RECEIVED

13 JUL 25 PM 3:10

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, JACKSON

Jimmy Cruse

(Name of plaintiff or plaintiffs)

v.

CIVIL ACTION NO. \_\_\_\_\_

Bob's Janitorial  
Services, Inc.

(Name of defendant or defendants)

**COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff, Jimmy Cruse  
(name of plaintiff)

is a citizen of the United States and resides at 1374 Westover Rd  
(street address)

Jackson Madison Tn.  
(city) (country) (state)

38301 731-267-6357  
(zip code) (telephone number)

3. Defendant Bob's Janitorial Services

(defendant's name)

lives at, or its business is located at 137 Tucker St

(street address)

4. Plaintiff sought employment from the defendant or was employed by the defendant at

Stanley Black & Decker 4825 Highway 45 N

(street address)

Jackson Madison Tn 38301

(city)

(country)

(state)

(zip code)

5. Defendant discriminated against plaintiff in the manner indicated in paragraph 9 of this complaint on or about 02 08 2012

(day)

(month)

(year)

6. Defendant filed charges against the defendant with the Tennessee Fair Employment Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about \_\_\_\_\_

(day)

(month)

(year)

7. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about 02 10 2012

(day)

(month)

(year)

8. The Equal Employment Opportunity Commission issued a Notice of Right to Sue, which was received by plaintiff on 30 4 2013. (Attach a copy of the notice to this complaint.)

(day) (month) (year)

9. Because of plaintiff's (1) ☒ race, (2) ☐ color, (3) ☐ sex, (4) ☐ religion, (5) ☐ national origin, defendant

(a) ☐ failed to employ plaintiff.

(b) ☒ terminated plaintiff's employment.

(c) ☐ failed to promote plaintiff.

(d) \_\_\_\_\_



10. The circumstances under which defendant discriminated against plaintiff were as follows: In Dec of 2011 I notified Tim Chilcut office manager (Cali Cox) of Bob's Janitorial had been harrassing me. I showed Michal March the Text messages to Tim Chilcut as well. Nothing was done to help me

In January of 2012, I was questioned about a large amount of purchases I made at the company store by Tim Chilcut. I advised him I made these purchases to help unemployed African Americans

Thereafter on Feb 8, 2012 I was discharged for alleged violation of the company background check. No other felon was fired. I believe I was discriminated against for making a pro racial statement.

11. The acts set forth in paragraph 9 of this complaint

- (a) \_\_\_ are still being committed by defendant.
- (b) \_\_\_ are no longer being committed by defendant.
- (c) ☒ may still be being committed by defendant.

12. Please attach to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission, which are submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) \_\_\_ Defendant be directed to employ plaintiff, or
- (b) \_\_\_ Defendant be directed to re-employ plaintiff, or
- (c) \_\_\_ Defendant be directed to promote plaintiff, or;
- (d) ☒ Defendant be directed to pay monetary damages  
Defendant violated collective bargaining or verbal  
agreement

and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

13. I would like to have my case tried by a jury. Yes (☒) No ( )

  
SIGNATURE OF PLAINTIFF

# DISMISSAL AND NOTICE OF RIGHTS

To: **Jimmy M. Cruse**  
1374 Westover Road  
Jackson, TN 38301

From: **Memphis District Office**  
1407 Union Avenue  
Suite 901  
Memphis, TN 38104

☐

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

490-2012-00959

**G. Allen Hammond,**  
Senior Investigator

(901) 544-0149

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

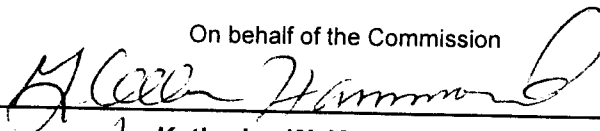
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

  
**Katharine W. Kores,**  
Director

APR 30 2013

(Date Mailed)

Enclosures(s)

cc: **Ms. V. Latosha Dexter**  
Attorney  
Rainey, Kizer, Reviere, and Bell, PLC  
50 north Front Street  
Suite 610  
Memphis, TN 38103

**Mr. Michael L. Weinman**  
Attorney  
Weinman and Associates  
112 South Liberty Street  
Suite 321  
Jackson, TN 38302

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

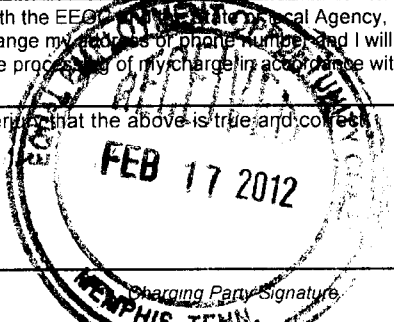
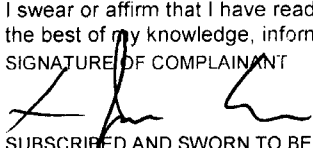
**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA  <input checked="" type="checkbox"/> EEOC                 </div> <div style="text-align: right;"> <b>490-2012-00962</b> </div> </div>	
<b>Tennessee Human Rights Commission</b> and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) <b>Mr. Jimmy M. Cruse</b>		Home Phone (Incl. Area Code) <b>(731) 234-8796</b>	Date of Birth <b>12-12-1972</b>
Street Address City, State and ZIP Code <b>1374 Westover Road, Jackson, TN 38301</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>STANLEY BLACK AND DECKER CORPORATION</b>		No. Employees, Members <b>15 - 100</b>	Phone No. (Include Area Code) <b>(731) 668-8600</b>
Street Address City, State and ZIP Code <b>90 Paxmore Lane, Jackson, TN 38305</b>			
Name <b>The Black and Dexter Corporation</b>		No. Employees, Members <b>15-100</b>	Phone No. (Include Area Code) <b>(731) 668-8600</b>
Street Address City, State and ZIP Code <b>90 Paxmore Lane, Jackson, TN 38305</b>			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> RACE</div> <div style="width: 50%;"><input type="checkbox"/> COLOR</div> <div style="width: 50%;"><input type="checkbox"/> SEX</div> <div style="width: 50%;"><input type="checkbox"/> RELIGION</div> <div style="width: 50%;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="width: 50%;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="width: 50%;"><input type="checkbox"/> AGE</div> <div style="width: 50%;"><input type="checkbox"/> DISABILITY</div> <div style="width: 50%;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="width: 50%;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <b>02-08-2012 02-08-2012</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):  <p>In January 2012, I was questioned about the large amount of purchases I made at the above company store by Tim Chillcut, a White male Manager. During the conversation, I advised him that I purchase these items to help Black people. This was witnessed by Samantha _____, a White female.</p> <p>Thereafter, on February 8, 2012 I was discharged for alleged violation of the company's background check program which will not allow employees with weapons violation not drugs to work at the facility. However, there are other employees who still work there with criminal and felony convictions. No one else has been discharged for the same reason I was.</p> <p>I was employed at the worksite from March 24, 2011 as a Forklift Driver earning 10.00 per hour.</p> <p>i believe that I have been discriminated against because of my race, Black and retaliated against for making a pro racial statement in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number, and I will cooperate fully with them in the processing of my charge in accordance with their procedures.  I declare under penalty of perjury that the above is true and correct.  <div style="display: flex; justify-content: space-between;"> <div> <b>Feb 17, 2012</b>  <small>Date</small> </div> <div style="text-align: center;">  </div> </div>		NOTARY - When necessary for State and Local Agency Requirements  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) <b>Feb. 17, 2012</b> 